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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,756	08/04/2003	Jerzy Perkitny	MAFZ 2 00063-3	5338
27885	7590	05/17/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			SHAPIRO, JEFFERY A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,756

Applicant(s)

PERKITNY ET AL.

Examiner

Jeffrey A. Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/4/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group I in the reply filed on 3/6/06 is acknowledged.

As Applicants have amended all claims with language directed towards a "coin bank", thereby causing all claims to fall into the category of the claims of elected group I, an action on all Claims 1-35 follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what wall is being referred to as there are several walls adjacent to the end of the ramp. Further regarding Claim 23, note, for example, that Applicants' wall (292) is attached to wall (288) through wall (274) and that wall (292) or (274) appear to fit the criterion of a "blocking wall" in addition to wall (282).

4. Claims 8 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It does not appear that the "tab" (296) precludes more than one of the coins from "residing in said at least one coin aperture" because even if one coin is stacked on top of a coin residing in the aperture, it appears that the coin stacked on top resides above the aperture while the tab would sweep this coin off the stack.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 6-10, 12-24, 27 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hume (US 1,927,265). Hume discloses, as described in **Claims 1, 10, 14, 18-23 and 27**, a coin housing (note generally that Hume's apparatus appears to have a housing as shown in figure 6), a coin separation member (7) having apertures (8), a coin sorting member (4) having apertures (23-27) on which said coin separation member rotates, and a metering tray (29).

As described in **Claim 2**, Hume discloses that said metering tray has walls, as shown in figures 1 and 2, and opening (31) which allows a single coin to pass. See also col. 2, lines 10-18. **Regarding Claim 4**, this passage also describes hopper (28) as shown in figure 2.

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Regarding **Claims 6 and 13**, note that said tray (29) can be construed to have a ramp angled downwardly that directs coins to the "adjacent" floor, said floor being the surface of selector plate (4).

Regarding **Claims 7 and 23**, note that tray (29) has walls that surround the outer edges of the ramp and the aperture (31). These walls can be construed as "blocking walls".

Regarding **Claims 8 and 17**, note tab (33). See also col. 2, lines 28-33.

Regarding **Claims 9, 15 and 16**, see gear wheel (13) which has protuberances in the form of teeth and is part of said separating wheel. Further regarding **Claim 19**, note that this gear wheel is also considered to be a toroidal flange.

Regarding **Claims 12 and 24**, see figures 1 and 2 noting that the wall near aperture (31) appears to be parabolic in shape.

Regarding **Claim 34**, note that Hume can be construed as having a stabilizing member that protrudes away from the floor in the form of bracket (33). See figure 2.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 11, 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hume.

Hume discloses the coin bank and sorter described above.

Regarding **Claims 3, 11 and 28**, although Hume does not expressly disclose whether or not said opening (31) is smaller than the combined diameter of the smallest two coins meant to be sorted, this depends upon the money system being used as well as the group of coins sorted within a particular money system. Further, it can be argued that for a particular largest diameter size, there will be a particular combination of coins that will meet this criterion. Therefore, it is construed to have been obvious at the time of the invention for one ordinarily skilled to have sized opening (31) to meet this criterion.

Regarding Claim 35, note that it would be obvious to make Hume's apparatus out of thermoplastic material as well as a host of other materials such as iron or aluminum, based upon the requirements of the situation, so as to, for example, reduce the costs of production.

Allowable Subject Matter

9. Claims 5, 25, 26 and 29-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

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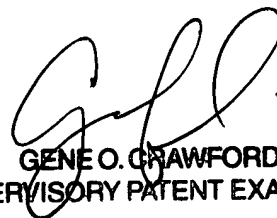
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JAS

May 14, 2006



GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER